

Our Ref: 11026P1 WO/JMH/JCM.ek

Your Ref:

Date: 9 August 2004

**BY FACSIMILE AND SWIFT AIR RECORDED**

International Preliminary Examining Authority  
European Patent Office  
D-80298  
Munich  
GERMANY

Dear Sirs

**International Application No. PCT/GB03/02916**  
**Reckitt Benckiser (UK) Limited et al**

We write in response to the Written Opinion issued on the above application on 8 April 2004, due date for response 8 July 2004. The Examiner is thanked for the extension of this date to 8 August 2004 by communication dated 13 July 2004.

**Claims**

Please find enclosed an amended set of claims, together with a marked-up copy showing changes.

Claim 1 has been amended to incorporate the features of claim 2.

Claim 2 has been deleted.

Claims 3 to 5 have been renumbered accordingly.

Reference is made to the following documents:

D1 : FR-A-1146256  
D2 : BE-A-472694  
D3 : WO-A-0211800

**Novelty**

**Claim 1** (as amended)

Neither of the prior art documents D1 nor D3 cited by the Examiner disclose a portable device for dispensing a fragrance according to claim 1 as amended, wherein the means to selectively open and close the aperture is a lid pivotally attached to the housing.

Claim 1 is therefore novel.

### Claims 2 to 4 (as amended)

Claims 2 to 4 as amended all depend directly or indirectly on claim 1 and are therefore also novel.

### **Inventive Step**

#### Claim 1

Document D1 is the closest prior art to the claimed invention as it is in the same technical field of portable fragrance dispensing devices, and has the most technical features in common.

The invention in claim 1 differs from D1 in the provision of a lid which is pivotally attached to the housing, wherein the lid is movable from a closed position where the lid covers the aperture to seal the device to an open position where the aperture is uncovered.

The technical effect of this feature is that when the lid is in the closed position the air in the enclosure beneath the lid becomes saturated with the fragrance and this is then efficiently delivered to the nose of the user upon opening the lid without the inconvenience of having a separate lid.

The objective technical problem to be solved by the current invention is therefore the provision of a portable device for dispensing a fragrance guaranteeing local delivery to the user, which is solved by the invention of claim 1.

It would not be obvious to one skilled in the art on reading D1 that the provisions of a hinged lid as a means for selectively closing and opening the aperture would provide both a less cumbersome device and one which delivers fragrance more efficiently.

Claim 1 as amended is therefore inventive.

#### Claim 2 (as amended)

Claim 2 (as amended) has the additional technical feature that the lid, in its open position, rests against the side of the housing "such that the lid prevents the aperture of the device from coming into contact with the top lip of the user". This gives the technical effect of providing the fragrance in lower intensity whilst still guaranteeing local delivery to the user, which ensures that the fragrance does not affect people in the vicinity of the user.

The objective technical problem to be solved by claim 2 is the provision of a device which delivers lower intensity fragrance efficiently to the user and does not affect people in the user's vicinity.

It would not be obvious to the skilled person from the teachings of D1 alone that such a problem would be solved by the provision of a hinged lid according to claim 2 (as amended). The Written Opinion asserts that one skilled in the art would use his knowledge of Zippo lighters (in French, 'briquet') to arrive at the solution to the objective technical problem. This is highly unlikely as Zippo lighters lie in a completely different technical field from the invention. Furthermore, all hinged lids in "Zippo" briquets are such that the hinge is on the "short" side of the briquet, not the "long" side, and thus when in the open position the lid

would have no contact with the upper lip of the user (see pictures enclosed from an internet web-site featuring Zippo briquets). The skilled person would also not consult document D3 (which is in an entirely different technical field and is not part of common general knowledge) in the expectation of finding a solution to the objective technical problem.

Claim 2 (as amended) is therefore inventive.

Claim 3 (as amended)

Claim 3 (as amended) has the additional technical feature that there is provided a catch over which the lid fits with an audible click. This provides an audible cue indicating successful opening and closing of the lid, therefore permitting efficient delivery of fragrance when the lid is open and retention of fragrance when the lid is closed. The objective technical problem of this claim is therefore the provision of a portable fragrance dispensing device which provides efficient delivery of fragrance.

It would not be obvious to one skilled in the art from the teaching of document D1 alone, or in combination with the teaching of Zippo briquets, that provision of a lid which fastens over a catch with an audible click would solve this problem. Zippo briquets do not fasten over a catch (refer again to the attached web page printouts) and there is no indication in D1 that a hinged lid with a catch would be at all desirable.

Claim 3 (as amended) is therefore inventive.

It is believed that it would now be appropriate to issue a clear International Preliminary Examination Report.

EPO form 1037 is enclosed to enable you to acknowledge safe receipt of this letter.

Yours faithfully  
RECKITT BENCKISER plc



John C McKnight

Encls.

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CLAIMS

1. A portable device for dispensing a fragrance  
5 comprising:  
a housing containing a fragrance element;  
at least one aperture in a side of the housing in  
the vicinity of one end of the housing to release the  
fragrance from the housing;  
10 and means to selectively open and close the  
aperture which is a lid pivotally attached to the  
housing wherein the lid is movable from a closed  
position where the lid covers the aperture to seal the  
device to an open position where the aperture is  
15 uncovered;  
the one end being shaped to abut the lower end  
of a users nose such that in use the fragrance can be  
inhaled through the aperture to the nasal passage of  
the user.  
20
2. A device as claimed in claim 1 wherein the lid in  
its open position rests against the side of the  
housing adjacent to the aperture such that in use the  
lid prevents the aperture of the device from coming  
25 into contact with the top lip of the user.
3. A device as claimed in claim 1 or 2 wherein the  
one end has a catch to provide an audible "click" as  
the lid passes over the catch.  
30
4. A device as claimed in any one of the preceding  
claims wherein the one end has a central recess to  
accommodate the septum of the user.
- 35

CLAIMS

1. A portable device for dispensing a fragrance  
5 comprising:  
a housing containing a fragrance element;  
at least one aperture in a side of the housing in  
the vicinity of one end of the housing to release the  
fragrance from the housing;

10 and means to selectively open and close the  
aperture <sup>which is</sup>

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the one end being shaped to abut the lower end  
of a users nose such that in use the fragrance can be  
inhaled through the aperture to the nasal passage of  
15 the user.

2. A device as claimed in claim 1 further comprising  
a lid pivotally attached to the housing wherein the  
lid is movable from a closed position where the lid  
20 covers the aperture to seal the device to an open  
position where the aperture is uncovered;

[show  
as  
deleted]

2. ~~3~~. A device as claimed in claim <sup>1</sup>~~2~~ wherein the lid in  
its open position rests against the side of the  
25 housing adjacent to the aperture such that in use the  
lid prevents the aperture of the device from coming  
into contact with the top lip of the user.

3. ~~4~~. A device as claimed in claim <sup>1</sup>~~2~~ or <sup>2</sup>~~3~~ wherein the  
30 one end has a catch to provide an audible "click" as  
the lid passes over the catch.

4. ~~5~~. A device as claimed in any one of the preceding  
claims wherein the one end has a central recess to  
35 accommodate the septum of the user.



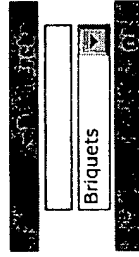
Accessoires

Briquets

Consommables

PLV

Zippo XL



catalogues

## cataloguesbriquetsbasic

| Accessoires | Briquets | Consommables | PLV | Zippo XL |  
| 15 ans | animaux | basic | célébrités | chasse et mer | collector | D-Day | fantaisies | harley-davidson | ladies  
| logo | luxe | musique | playboy | sports | symbole | USA / Western |



**zippo 200 brush chrome**  
1995 USA  
25 € \*  
réf 850009



**zippo 204 brush brass**  
1995 USA  
31 € \*  
réf 850011



**zippo 218 black mat  
plain**  
1996 USA  
34 € \*  
réf 850012



**zippo 230 vintage  
chrome**  
1996 USA  
30 € \*  
réf 850033



**zippo 240 vintage brass**  
1996 USA  
34 € \*  
réf 850034



**zippo 250 h-polish  
chrome**  
1995 USA  
29 € \*  
réf 850035



**zippo 250g gold  
electroplat**  
1995 USA  
47 € \*  
réf 850036



**zippo 254 high polish  
brass**  
1995 USA  
33 € \*  
réf 850037

zippo 260 vintage hp

zippo 270 vintage hp

**chrome**  
1995 USA  
32 € \*  
réf 850038



**brass**  
1995 USA  
36 € \*  
réf 850039



**zippo 350 engine turned**  
1995 USA  
35 € \*  
réf 850042



**zippo 352 venetian chrome**  
1995 USA  
33 € \*  
réf 850043



**zippo 359 scrimshaw**  
1995 USA  
37 € \*  
réf 850048



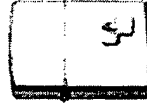
**zippo 352b brass venetian**  
1995 USA  
37 € \*  
réf 850049



**zippo 200ze w/ zippo emblem**  
1995 USA  
33 € \*  
réf 850163



**zippo 250ze w/ zippo emblem**  
1995 USA  
35 € \*  
réf 850164



**zippo 275 brush lossproof**  
1999 USA  
34 € \*  
réf 850424



**zippo 195 solid brass 18kt**  
1999 USA  
6 000 € \*  
réf 850591



**zippo po 1500 sterling silver**  
1995 USA  
197 € \*

**zippo 1610 hp chrome**  
1995 USA  
29 € \*

réf 851000



réf 851002



\* Prix présentés à titre indicatif

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1 de 4

